

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

YADIEL NUNEZ-MUNOZ,

Plaintiff,

v.

DANE COUNTY SHERIFF'S OFFICE, and
SGT. OLSON,

Defendants.

ORDER

Case No. 16-cv-373-wmc

On June 9, 2016, plaintiff Yadiel Nunez-Munoz, an inmate in the custody of the Dane County Jail, was assessed \$3.53 as an initial partial filing fee in this case. Now, plaintiff has submitted a motion to waive his initial partial payment along with a recent inmate account statement showing that there have been no deposits to his account since he received the June 9 order and that he has had a \$0.00 balance for the past two months. Accordingly, it appears that plaintiff presently has no means with which to pay the filing fee or to make an initial partial payment. Under these circumstances, the court will grant plaintiff's motion for leave to proceed without prepayment of the filing fee, but will not assess an initial partial filing fee. Even if this court ultimately determines that plaintiff's complaint cannot go forward, plaintiff is advised that the full \$350 filing fee for indigent litigants remains plaintiff's obligation. *See* 28 U.S.C. § 1915A.

Because plaintiff is an inmate, plaintiff is subject to the Prison Litigation Reform Act, which requires the court to screen the complaint to determine whether any portion is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief from a defendant who is immune from such relief.

ORDER

IT IS ORDERED that,

1. The motion filed by plaintiff Yadiel Nunez-Munoz for leave to proceed without prepayment of the filing fee is GRANTED.
2. No further action will be taken in this case until the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 11th day of July, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge